

stay would unduly prejudice Plaintiff's proposed class, especially since the FCC is unlikely to rule in Defendant's favor.

The record before the Court sufficiently establishes that the faxes involved in this case were sent with Plaintiff's consent. Plaintiff's other arguments against the stay are without merit and have been rejected in similar circumstances by this Court in *Nack* upon remand by the Eighth Circuit, *Nack v. Walburg*, No. 4:10CV00478 AGF (E.D. Mo. Sept. 12, 2013), and also by another court in this District, *St. Louis Heart Center, Inc. v. Forest Pharmaceuticals, Inc.*, No. 4:12CV02224 JCH (E.D. Mo. July 17, 2013).


Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to stay is **GRANTED**.

(Doc. No. 69.)

IT IS FURTHER ORDERED that Defendant shall forthwith notify the Court of Defendant's filing of an administrative challenge to the regulation at issue; and of the FCC's ruling and any appeal filed in connection with Defendant's or any other entity's administrative challenge to the regulation.

IT IS FURTHER ORDERED that the Clerk of Court shall administratively close this matter until further notice.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 15th day of October, 2013.